

**DECLARATION FOR PATENT APPLICATION  
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below adjacent to my name.

I believe I am the original, first and joint inventor of subject matter (process, machine, manufacture, or composition of matter, or an improvement thereof) which is claimed and for which a patent is sought by way of the application entitled

**Apparatus And Method For The Measurement Of Diffracting Structures**

which (check) ☒ is attached hereto.  
☐ and is amended by the Preliminary Amendment attached hereto.  
☐ was filed on as Application Serial No.  
☐ and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
Number	Country	Day/Month/Year Filed	Yes	No
N/A			<input type="checkbox"/>	<input checked="" type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application Number	Filing Date
N/A	

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (patented, pending, abandoned)
N/A		{Status}

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

Alan H. MacPherson (24,423); Brian D. Ogonowsky (31,988); David W. Heid (25,875); Norman R. Klivans (33,003); Edward C. Kwok (33,938); David E. Steuber (25,557); Michael Shenker (34,250); Stephen A. Terrile (32,946); Peter H. Kang (40,350); Ronald J. Meetin (29,089); Ken John Koestner (33,004); Omkar K. Suryadevara (36,320); David T. Millers (37,396); Michael P. Adams (34,763); Robert B. Morrill (43,817); James E. Parsons (34,691); Philip W. Woo (39,880); Emily Haliday (38,903); Tom Hunter (38,498); Michael J. Halbert (40,633); Gary J. Edwards (41,008); Daniel P. Stewart (41,332); Tom Chen (42,406); Fabio E. Marino (43,339); Don C. Lawrence (31,975); Marc R. Ascolese (42,268); Carmen C. Cook (42,433); David G. Dolezal (41,711); Roberta P. Saxon (43,087); Mary Jo Bertani (42,321); Dale R. Cook (42,434); Sam G. Campbell (42,381); Matthew J. Brigham (44,047); Shireen Irani Bacon (40,494); Rory G. Bens (44,028); George Wolken, Jr. (30,441); John A. Odozynski (28,769); Paul E. Lewkowicz (44,870); Theodore P. Lopez (44,881); Eric Stephenson (38,321); Christopher Allenby (45,906); David C. Hsia (46,235); Mark J. Rozman (42,117); Margaret M. Kelton (44,182); Do Te Kim (46,231); Alex Chen (45,591); Monique M. Heyninek (44,763); Gregory J. Michelson (44,940); Jonathan Geld (44,702); Emmanuel Rivera (45,760); Jason FarHadian (42,523); Matthew J. Spark (43,453); Elaine H. Lo (41,158); Jon Hallman (42,622); Robert Strawbrich (36,692); Rita M. Wisor (41,382); Gregory Powell (47,005); and Mark E. Schmidt (47,063).

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I declare that all statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and all statements made herein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties including fine or imprisonment or both as set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or this document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom.

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Full name of first joint inventor.

James M. Holden

**Inventor's Signature:**

Date:

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Full name of second joint inventor:

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**Inventor's Signature:**

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**Full name of fourth joint inventor:**

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**Inventor's Signature:**

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Full name of fifth joint ~~inventor~~:

**Roger R. Lowe-Webb**

**Inventor's Signature:**

Date:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James M. Holden, William McGahan, Richard A. Yarussi,  
Pablo I. Rovira and Roger R. Lowe-Webb

Assignee: Nanometrics Incorporated

Title: APPARATUS AND METHOD FOR THE MEASUREMENT OF  
DIFFRACTING STRUCTURES

Serial No.: Unknown Filed: Herewith

Examiner: Unknown Group Art Unit: Unknown

Docket No.: M-9455 US

BOX PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
Washington, D. C. 20231

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(F) & 1.27(C)) – SMALL BUSINESS CONCERN**

Dear Sir:

I declare that I am an official empowered to act on behalf of the concern identified above as assignee.

Exclusive rights to the above invention as described in

- ☒ the specification filed herewith,
- ☐ U.S. patent application Serial No. , filed

have been conveyed to and remain with the above concern.

For purposes of paying reduced fees under Section 41 of Title 35 of the United States Code with regard to this invention, I declare that the above concern qualifies as a small business concern as defined in 37 CFR 1.9(d) and 13 CFR 121, and more particularly 13 CFR 121.802, namely, (a) the concern's number of employees, including those of its affiliates, does not exceed 500 persons, and (b) the concern has not assigned, granted, conveyed, or licensed, and is under no obligation to assign, grant, convey, or license, any rights in the invention to any person who made it and could not be classified as an independent inventor under 37 CFR 1.9(c), or to any concern which would not qualify as a nonprofit organization under 37 CFR 1.9(e) or a small business concern under 37 CFR 121.802.

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005260-0004360

I acknowledge my duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate per 37 CFR 1.28(b).

I declare that all statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and all statements made herein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties including fine or imprisonment or both as set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or this document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom.

Signature: Date: 9-25-00Official's Name: John D. HeatonOfficial's Title: President and CEOConcern's Name: Nanometrics IncorporatedConcern's Address: 310 Deguigne Drive  
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